

Bereskin & Parr

INTELLECTUAL PROPERTY LAW

March 29, 2010

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Your Reference: 10/568,729
Our Reference: 15289-8

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A

BY ELECTRONIC FILING

Dear Sirs:

Re: Filing of an Information Disclosure Statement
U.S. Patent Application No. 10/568,729
Entitled: Epitope Protection Assay and Method for Detecting Protein Conformations
Applicant: Neil R. Cashman
Group Art No.: 1649

In accordance with 37 CFR 1.97 and 1.98, and in recognition of the duty of disclosure set forth in 37 CFR 1.56, Applicant hereby submits a Supplementary Information Disclosure Statement on Form PCT/SB/08a containing a listing of publications of which Applicant is aware. Applicant is also submitting the foreign patent and non-patent references listed on the Information Disclosure Statement.

In accordance with provisions of M.P.E.P. §2001.06(b) and 37 C.F.R. §1.98(b)(3), Applicants would like to bring to the attention of the Examiner the existence of the co-pending patent application(s) and patent(s) identified below, which were filed in United States Patent and Trademark Office:

| Application No./Patent No. | Date Filed | First Inventor | Attorney No. | Docket |
|-------------------------------------|----------------|----------------|--------------|--------|
| 11/367,609, Patent No. 7,439,324 | Aug. 15, 2008 | Neil Cashman | 15289-14 | |
| 12/236,731 | Sept. 24, 2008 | Neil Cashman | 15289-26 | |

The pending U.S. applications are stored in the Image File Wrapper (IFW) system of USPTO. Accordingly, a copy of the cited specification, including the claims and drawings thereof, is available through USPTO PAIR. The Applicants provides a list of Office Actions, Amendments, Responses and other correspondence from the prosecution in Appendix A. As these documents are available through USPTO PAIR copies have not been included. If the Examiner would prefer that copies be provided, the Applicant would be happy to oblige.

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In addition, the Applicant wishes to bring to the attention of the Examiner the existence of the co-pending patent application(s) identified below, which were filed in the European and Japanese Patent Offices and the PCT Receiving Office and which are under prosecution. The Applicant provides copies of correspondence for these pending applications, translated into English when necessary, as listed in Appendix B.

| Country/Region | App. No. | Filing Date |
|----------------|--------------------|---------------|
| European | 04761667.7 | Aug. 20, 2004 |
| Japan | 2006-523496 | Aug. 20, 2004 |
| WO | PCT/CA/2004/001503 | Aug. 20, 2004 |
| Australia | 2004266324 | Aug. 20, 2004 |

In addition, the Applicant wishes to bring to the attention of the Examiner the existence of references listed in the Search Report concerning PCT/CA/2004/001503, mailed on December 12, 2004. The PCT search authority has identified these references as documents defining the general state of the art which is not considered to be of particular relevance. Two references are in French and are not provided. The Applicant does not provide translations of these two documents, as translations are not with the possession, custody or control of, or readily available to the Applicant.

The Examiner is requested to indicate consideration of these documents by initialing the appropriate column.

Applicant reserves the right to contest the applicability of any of these documents as prior art against the subject application. If the Examiner has any questions concerning this Information Disclosure Statement, he/she is requested to contact the undersigned. Entry of the enclosed Information Disclosure Statement is believed to be in order and is respectfully requested.

This Information Disclosure Statement is being filed after the issuance of a first official action, and therefore the fee of \$180.00 is required pursuant to 37 CFR 1.17(p). Please charge our Deposit account no. 02-2095.

Consideration of the cited documents and making the same of record in the prosecution of the above-referenced application are respectfully requested.

Respectfully submitted,

Bereskin & Parr LLP/S.E.N.C.R.L., s.r.l



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APPENDIX A

| CORRESPONDENCE FROM THE PROSECUTION OF PATENT APPLICATIONS | | | |
|---|-------------------------------|------------------|------------------------------|
| Examiner's Initials | Application Number | Pair Date | Document |
| | 11/367,609 | 06/16//2008 | Notice of Allowance |
| | 11/367,609 | 04/16/2008 | Final Rejection |
| | 11/367,609 | 01/24/2008 | Response to Non-Final Action |
| | 11/367,609 | 10/25/2007 | Non-Final Rejection |
| | 11/367,609 | 04/17/2006 | Preliminary Amendment |
| | 12/236,731 | 03/01/2010 | Notice of Allowance |
| | 12/236,731 | 12/18/2009 | Response to non-Final Action |
| | 12/236,731 | 09/22/2009 | Non-Final Rejection |
| | 12/236,731 | 12/15/2008 | Preliminary Amendment |

APPENDIX B

| CORRESPONDENCE FROM THE PROSECUTION OF FOREIGN PATENT APPLICATIONS | | | | |
|---|----------------|-------------------------------------|-------------|--|
| Examiner's Initial | Country | Application Number | Date | Document |
| | Japan | 2006-523496 | 01/05/2010 | Office Action |
| | Australia | 2004266324 | 10/07/2009 | Office Action |
| | EU | 04761667.7 | 21/09/2009 | Supplementary European Search Report and Opinion |
| | WO | PCT/CA/2004/001503 (WO 2005/019828) | 02/03/2006 | International Preliminary Opinion on Patentability |
| | WO | PCT/CA/2004/001503 (WO 2005/019828) | 24/12/2004 | International Search Report |